

103^D CONGRESS
1ST SESSION

S. 1409

To limit the funding to the Northern Mariana Islands pursuant to the provisions set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6 (legislative day, JUNE 30), 1993

Mr. JOHNSTON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To limit the funding to the Northern Mariana Islands pursuant to the provisions set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SEC. 2. Public Law 94-241 (90 Stat. 263), as
4 amended, is further amended by striking “law” in sub-
5 section (b) of section 4 and inserting in lieu thereof “law:
6 *Provided*, That for fiscal years 1994 through 1998, pay-
7 ments shall be limited to the provisions set forth in the
8 Agreement of the Special Representatives on Future Fed-

1 eral Financial Assistance of the Northern Mariana Is-
2 lands, executed on December 17, 1992, between the spe-
3 cial representative of the President and the special rep-
4 resentatives of the Governor of the Northern Mariana Is-
5 lands for the first five years of such 1992 Agreement: *Pro-*
6 *vided further*, That no amendment to such 1992 Agree-
7 ment may take effect until approved by an Act of Con-
8 gress: *Provided further*, That after fiscal year 1998, the
9 amount shall continue at the annual amount of
10 \$27,720,000, unless Congress otherwise provides by law.

11 “(c) No funds made available in accordance with the
12 1992 Agreement referred to in subsection (b) shall be obli-
13 gated until sixty days after the Secretary of the Interior
14 certifies, together with findings, after the date of enact-
15 ment of this provision, and each fiscal year thereafter, to
16 the Committee on Natural Resources of the House of Rep-
17 resentatives, and the Committee on Energy and Natural
18 Resources of the Senate, that the following conditions
19 have been fulfilled, to the extent such condition is applica-
20 ble in such fiscal year, and no such funds shall be obli-
21 gated for additional projects thereafter if the Secretary of
22 the Interior determines that the Northern Mariana Islands
23 are not in compliance with such conditions to the extent
24 such condition is applicable at that time:

1 “(1) The number of aliens (a person who is not
2 a citizen or national of the United States, a citizen
3 of a state in free association with the United States,
4 or an alien lawfully admitted into the United States)
5 present in the Northern Mariana Islands for work or
6 residency does not exceed the 1992 average daily
7 number of such aliens present in the Northern Mari-
8 ana Islands as determined by the Commissioner of
9 the United States Immigration and Naturalization
10 Service (INS), except that within such limitation,
11 the Northern Mariana Islands shall impose a numer-
12 ical limitation on the total number of alien workers
13 admitted for employment in the garment industry so
14 that the percentage of alien workers compared to the
15 total number of workers in the garment industry
16 shall be 75 percent in 1994, 70 percent in 1995, and
17 65 percent in 1996 and thereafter;

18 “(2) The Northern Mariana Islands shall imple-
19 ment a petitioning mechanism similar to that in sec-
20 tion 214(c)(1) of the Immigration and Nationality
21 Act (8 U.S.C. 1184(c)(1)) to measure and compare
22 the number of alien admissions with the 1992 aver-
23 age and the Northern Mariana Islands shall provide
24 the Immigration and Naturalization Service with
25 such information and access as the Commissioner of

1 the Service determines to be necessary to make his
2 determination and for verification;

3 “(3) The Northern Mariana Islands has en-
4 acted and is enforcing such measures as may be nec-
5 essary to raise revenues, and expend for public
6 purposes, in each of the years funding is provided
7 pursuant to the Agreement, in addition to those rev-
8 enues which would have been raised under laws in
9 effect on the date of enactment of this provision, of
10 at least the same amount of net revenue (taking into
11 account all credits, deductions, exemptions, and pay-
12 ments provided for in Federal law) that would other-
13 wise have been raised in calendar year 1992 under
14 full application of section 601 of the Covenant ab-
15 sent any rebates pursuant to section 602 of such
16 Covenant, less the actual amount of revenues re-
17 tained by the Northern Mariana Islands from in-
18 come taxes, which measures may include, but need
19 not be limited to, one or more of the following—

20 (A) developer taxes and impact fees;

21 (B) taxes on services to visitors;

22 (C) a reduction in the level of rebates of
23 taxes levied under section 602 of the Covenant;

24 (D) income taxes; or

1 (E) taxes or fees imposed for public benefit
2 of users of publicly provided services.

3 “(4) The Northern Mariana Islands is imple-
4 menting a rate schedule approved by the Secretary
5 of the Interior that, over a five-year period begin-
6 ning on the date of enactment of this provision, will
7 phase in charges for all (except low-income) users of
8 utilities which will recover the full operating, mainte-
9 nance, and debt service cost of the power utility
10 services, and, as a minimum, the operating and
11 maintenance costs of the water and sewer utility
12 services;

13 “(5) The Secretary has approved the plans of
14 the Northern Mariana Islands for the fiscal year for
15 the use of the funds which indicate the priority and
16 purpose of the projects and their cost and financing
17 arrangements; and

18 “(6) The Secretary of the Interior, in consulta-
19 tion with the Secretary of Labor, determines that
20 the Northern Mariana Islands has enacted and is
21 enforcing laws—

22 “(A) to provide no greater deductions from
23 wages for housing, food, transportation, health
24 care, employment fees, or other expenses for
25 any workers not permanently admitted into the

1 Northern Mariana Islands than are contained
2 in the Fair Labor Standards Act of 1938, and
3 “(B) which allow for the same exemptions
4 from the payment of minimum wages as pro-
5 vided in the Fair Labor Standards Act of
6 1938.’”.

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